IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 11467 of 2005

Between:

Smt. K. Khamarunnisa Begum,

W/o K. Mohammed Usman Sab, Door No.221/11,

Jamkhanwadi Street, ADONI-518301,

Kurnool District.

..... PETITIONER

AND

1. Deputy Superintendent of Police,

Adoni-518 301, Kurnool District.

2. The Station House Officer, Adoni I Town Police Station,

Kurnool District.

3. The Station House Officer, Adoni II Town Police Station,

Kurnool District.

4. The Municipal Commissioner, Adoni Municipality,

Adoni, Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondents herein in not providing police

and other protection for the purpose of collecting market fees farmed out to petitioner in accordance with the provisions under Section 378 to 380 of A.P. Municipality Act, 1965 is illegal and violation of statutory duties and further direct the respondents to accord police and all other necessary protection under Section 378 to 380 of A.P. Municipalities Act, 1965 to the petitioner.

Counsel for the Petitioner: MR.M.V.DURGA PRASAD

Counsel for the Respondents 1 to 3: GP FOR HOME

Counsel for the Respondent No.4: S.I. Newton (S.C. for Municipalities

The Court made the following:

ORDER:

The writ petition is filed for declaring the action of the respondents in not providing the police protection to the petitioner for collecting the market fees farmed out the petitioner as arbitrary and illegal.

2. The petitioner is a highest bidder pursuant to the public auction conducted on 07.03.2005 by the fourth respondent-Municipality farming out the right to collect the market fees in Jhansi Lakshmi Bhai Vegetable Market and its road margins under Section 277 (1) of A.P. Municipalities Act, 1965 (for short "the Act"). It is stated that she became the highest bidder in the auction and offered a sum of Rs.32,51,000/- for the current year 2005-06. It is further stated that the third parties are interfering with the right of the petitioner for collecting the market fee.

3. Subsequently, the petitioner got issued a legal notice dated 25.04.2005 to the fourth respondent-Commissioner requesting him to provide police protection. In pursuance thereof, the fourth respondent addressed a letter to the first respondent-Deputy Superintendent of Police, Adoni vide his letter Roc.No.203/2004/A1, dated 03.05.2005 requesting him to provide necessary police protection in Jhansi Lakshmi Bhai Vegetable Market and its premises for collecting the market fee by the petitioner as per the Gazette Notification. It is also stated that though the fourth respondent addressed a letter, the

respondents 1 to 3 have not taken any steps to provide necessary police protection to the petitioner.

4. Having regard to the facts and circumstances of the case, the respondents 1 to 3 are directed to provide necessary police protection to the petitioner for implementing the Law and Order and to prevent the third parties' interference with the right of the petitioner in collecting the market fee as per the Gazette Notification.

5. With the above direction, the writ petition is disposed of at the stage of admission. No order as to costs.

_____

(V. ESWARAIAH, J)

Date: 17.05.2005

Ksn/Lsk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Deputy Superintendent of Police,

Adoni-518 301, Kurnool District.

2. The Station House Officer, Adoni I Town Police Station,

Kurnool District.

3. The Station House Officer, Adoni II Town Police Station,

Kurnool District.

4. The Municipal Commissioner, Adoni Municipality,

Adoni, Kurnool District.

5. Two CCs to G.P. for Home, High Court Buildings, Hyderabad (OUT).

6. 2 CD copies

Form-NIC-OGS/WP{ }